

BOX INTERFERENCE
WASHINGTON DC 20231
703-308-9797
703-305-0942 (fax)

Paper 19

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

MITSUGU USUI
MARI YAMAGUCHI, MOTOHITO KANESHIMA, and AKIJI AOKI
(08/817,101),
Junior Party,

v.

MARK R. McCORMICK
(08/724,631),

Senior Party.

Interference No. 105,065

FAXED

FEB 14 2003

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Before SCHAFER, TORCZON, and TIERNEY, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT
(PURSUANT TO 37 CFR § 1.662(a))

INTRODUCTION

Junior party Usui has requested (Paper 7) adverse judgment as to all of its claims corresponding to count 1, the sole count.

Entry of adverse judgment renders moot McCormick's request (Paper 5) for copies and further action in this interference, specifically including the telephone conference scheduled for 27 March 2003 (Paper 1).

ORDER

Upon consideration of Usui's request for adverse judgment, it is—

ORDERED that Usui's request for adverse judgment be GRANTED;

FURTHER ORDERED that judgment on priority as to Count 1 be awarded against junior party Usui;

FURTHER ORDERED that junior party Usui not be granted to a patent containing the subject matter of claims 28, 30-35, 43, and 44 of Usui's 08/817,101 application, which correspond to Count 1; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative record of Usui's 08/817,101 and McCormick's 08/724,631 application.


RICHARD E. SCHAFER
Administrative Patent Judge


RICHARD TORCZON
Administrative Patent Judge


MICHAEL P. TIERNEY
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

INTERFERENCE
TRIAL SECTION

Interference No. 105,065
Usui v. McCormick

Paper 10
Page 3

cc (facsimile):

Counsel for Usui (real party-in-interest, Sanko Junyaku K.K.):

George E. Oram
Robert K. Carpenter
ARENT FOX KINTNER PLOTKIN & KAHN PLLC
1050 CONNECTICUT AVE NW STE 400
WASHINGTON DC 20036-5339
Tel: 202-857-6000
Fax: 202-638-4810

Counsel for McCormick (real party-in-interest, EMD Biosciences, Inc., a subsidiary of Merck KGaA):

Nicholas J. Seay Dir: 608-283-2484
Bennett J. Berson Dir: 608-283-2418
QUARLES & BRADY
PO BOX 2113
MADISON WI 53701-2113
Tel: 608-251-5000
Fax: 608-251-9166

INTERFERENCE DIGEST

Interference No. 105,065

Paper No. 18

Name: Mark R. McCormick

Serial No.: 08/724,631

Patent No.

Title: METHOD FOR PRECIPITATING NUCLEIC ACID WITH VISIBLE CARRIER

Filed: 10/01/96

Interference with Usui et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, favorable Dated, 2/19/03

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.